

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re: Refrigerant Compressors
Antitrust Litigation

Case No. 2:09-md-02042

Honorable Sean F. Cox
United States District Court

ORDER

On this date, the Court heard argument on the “*Twombly* challenge” set forth in Defendants’ Joint Motion “Motion To Dismiss The Indirect Purchaser Plaintiffs’ Consolidated Amended Complaint” (Docket Entry No. 162). The Court concludes that the Indirect Purchaser Plaintiffs’ current operative complaint, the “Second Consolidated Amended Complaint,” fails to state a claim under *Twombly*¹, except as to the claims asserted against Defendants Panasonic Corporation and Embraco North America, Inc., for the approximately three-year period set forth in their respective plea agreements. A memorandum opinion setting forth the basis for the Court’s ruling shall be issued shortly.

IT IS HEREBY ORDERED that the claims asserted in the Indirect Purchaser Plaintiffs’ Second Consolidated Amended Complaint are DISMISSED as to all Defendants with the exception of Defendants Panasonic Corporation and Embraco North America, Inc.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: June 7, 2012

¹*Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007).

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PROOF OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel of record
on June 7, 2012, by electronic and/or ordinary mail.

S/Jennifer Hernandez
Case Manager